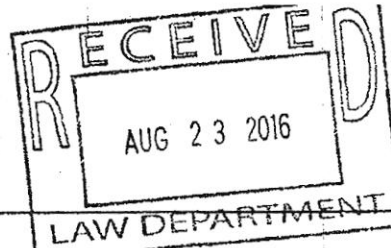


Exhibit A



FILED IN MY OFFICE
DISTRICT COURT CLERK
8/17/2016 12:40:25 PM
STEPHEN T. PACHECO
Michelle Garcia

SUMMONS	
FIRST JUDICIAL DISTRICT COURT SANTA FE COUNTY, NEW MEXICO Court Address: Post Office Box 2268 / 225 Montezuma Avenue Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2016-01700 Assigned Judge: Raymond Z. Ortiz
ANALISA, Plaintiff, vs. NICOLE A. PACHECO, GOVERNMENT EMPLOYEES INSURANCE COMPANY, GILBERT E. CANDALARIA, UNITED FINANCIAL CASUALTY COMPANY, d.b.a. PROGRESSIVE INSURANCE COMPANY, EAN HOLDINGS LLC, d.b.a ENTERPRISE-RENT- A-CAR, UNITED STATES POSTAL SERVICE and YET-TO-BE-IDENTIFIED INDIVIDUALS and/or BUSINESS ENTITIES, Defendants.	Defendant: UNITED STATES POSTAL SERVICE c/o Thomas J. Marshall General Counsel United States Postal Service 475 Lenfant Plaza, SW Washington, DC 20260-1100

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 17th day of August, 2016.

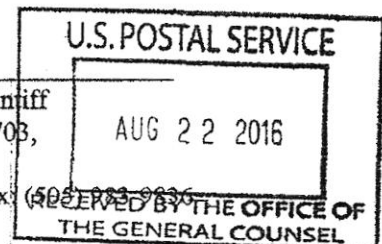
STEPHEN T. PACHECO
CLERK OF DISTRICT COURT

By: Michelle Garcia
Deputy



/s/ Merit Bennett
Merit Bennett, Attorney for Plaintiff
460 St. Michael's Drive, Suite 703,
Santa Fe, New Mexico 87505
Telephone: (505) 983-9834 | Fax: (505) 983-9836

SCANNED



THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN¹

STATE OF NEW MEXICO)
)ss
COUNTY OF _____)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, _____, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

☐ to the defendant _____ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at _____ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

☐ to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at _____ (*insert defendant's last known mailing address*).

☐ to _____, an agent authorized to receive service of process for defendant _____.

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (*used when defendant is a minor or an incompetent person*).

[] to _____ (name of person), _____, (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: _____

Signature of person making service

Title (if any)

Subscribed and sworn to before me this _____ day of _____, _____²

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.
2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]

FILED IN MY OFFICE
DISTRICT COURT CLERK
8/17/2016 12:40:25 PM
STEPHEN T. PACHECO
Michelle Garcia

SUMMONS	
FIRST JUDICIAL DISTRICT COURT SANTA FE COUNTY, NEW MEXICO Court Address: Post Office Box 2268 / 225 Montezuma Avenue Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2016-01700 Assigned Judge: Raymond Z. Ortiz
ANALISA, Plaintiff, vs. NICOLE A. PACHECO, GOVERNMENT EMPLOYEES INSURANCE COMPANY, GILBERT E. CANDALARIA, UNITED FINANCIAL CASUALTY COMPANY, d.b.a. PROGRESSIVE INSURANCE COMPANY, EAN HOLDINGS LLC, d.b.a ENTERPRISE-RENT- A-CAR, UNITED STATES POSTAL SERVICE and YET-TO-BE-IDENTIFIED INDIVIDUALS and/or BUSINESS ENTITIES, Defendants.	Defendant: UNITED STATES POSTAL SERVICE c/o Thomas J. Marshall General Counsel United States Postal Service 475 Lenfant Plaza, SW Washington, DC 20260-1100

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6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 17th day of August, 2016.
 STEPHEN T. PACHECO
 CLERK OF DISTRICT COURT

By: Michelle Garcia
 Deputy



/s/ Merit Bennett
 Merit Bennett, Attorney for Plaintiff
 460 St. Michael's Drive, Suite 703,
 Santa Fe, New Mexico 87505
 Telephone: (505) 983-9834 | Fax: (505) 983-9836

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN¹

STATE OF NEW MEXICO)
)ss
COUNTY OF _____)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, _____, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

☐ to the defendant _____ (used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (used when the defendant is not presently at place of abode) and by mailing by first class mail to the defendant at _____ (insert defendant's last known mailing address) a copy of the summons and complaint.

☐ to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (insert defendant's business address) and by mailing the summons and complaint by first class mail to the defendant at _____ (insert defendant's last known mailing address).

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[] to _____ (name of person), _____, (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: _____

Signature of person making service

Title (if any)

Subscribed and sworn to before me this _____ day of _____, _____²

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTE

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2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]

FILED IN MY OFFICE
DISTRICT COURT CLERK
7/12/2016 10:44:08 AM
STEPHEN T. PACHECO
Maureen Naranjo

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

ANALISA SEMINARIO,

Plaintiff,

against

Cause No.: D-101-CV-2016-01700
Case assigned to Ortiz, Raymond Z.

NICOLE A. PACHECO, GOVERNMENT
EMPLOYEES INSURANCE COMPANY,
GILBERT E. CANDALARIA, UNITED
FINANCIAL CASUALTY COMPANY, d.b.a.
PROGRESSIVE INSURANCE COMPANY,
EAN HOLDINGS LLC, d.b.a
ENTERPRISE-RENT-A-CAR, UNITED
STATES POSTAL SERVICE and
YET-TO-BE-IDENTIFIED INDIVIDUALS
and/or BUSINESS ENTITIES,

Defendants.

**COMPLAINT FOR PERSONAL INJURY AND DAMAGES AND FOR RELIEF
PURSUANT TO THE NEW MEXICO FINANCIAL RESPONSIBILITY ACT, AND
RESERVATION OF CLAIMS PURSUANT TO THE NEW MEXICO UNFAIR
INSURANCE PRACTICES ACT, NEW MEXICO CASE LAW
AND FOR CIVIL CONSPIRACY**

COMES NOW Plaintiff Analisa Seminario, by and through her counsel, Merit Bennett of
The Bennett Law Group, and for her Complaint against Defendants, state as follows:

JURISDICTION, VENUE AND JURY TRIAL DEMAND

1. This Court has subject matter jurisdiction over this action, as the subject tort occurred in Santa Fe County.
2. Venue is therefore proper in this district.
3. Plaintiff demands a trial by jury.

THE PARTIES

1. Plaintiff Analisa Seminario (hereinafter "Ms. Seminario"), is a resident of Rio Arriba County, New Mexico.
2. Defendant Nicole A. Pacheco (hereinafter "Ms. Pacheco" or "Pacheco") is believed to be a resident of Rio Arriba County, New Mexico.
3. Defendant Government Employees Insurance Company (hereinafter "GEICO") is a corporation believed to be authorized to do and doing business in New Mexico. Said Defendant is also the insurer of Ms. Pacheco for the subject liability set forth hereinbelow.
4. Defendant Gilbert E. Candalaria (hereinafter "Mr. Candalaria" or "Candalaria") is believed to be a resident of Taos County, New Mexico.
5. Defendant United Financial Casualty Company, d.b.a. Progressive or Progressive Insurance Company (hereinafter "Progressive") is a corporation believed to be authorized to do and doing business in New Mexico. Said Defendant is also the insurer of Mr. Candalaria for the subject liability set forth hereinbelow.
6. Defendant EAN Holdings, LLC, d.b.a. Enterprise-Rent-A-Car (hereinafter "Enterprise") is an American holding company headquartered in Clayton, Missouri, and authorized to do and doing business in New Mexico. Defendant Enterprise's registered agent is CT Corporation System located at 206 S. Coronado Avenue, Unit 106B, Espanola, New Mexico, 87532 - 2792. Defendant Candalaria is believed to be the individual who signed the rental agreement with Defendant Enterprise.
7. Defendant United States Postal Service (hereinafter "USPS" or "Postal Service") is an independent agency of the United States Government responsible for providing postal service in

the United States, a package delivery company headquartered in Atlanta, Georgia, and incorporated in Delaware. Defendant Candalaria is believed to be a USPS contractor who hired Defendant Pacheco and/or controlled the terms and conditions of her employment, to assist in the performance of Candalaria's service contract with USPS. At all times described herein, these Defendants (Pacheco and Candalaria) were acting within the course and scope of their employment contract (Pacheco with Candalaria) and/or service contract and/or agency agreement (Candalaria with USPS), making USPS additionally liable to Plaintiff for all of said Defendants' individual and/or joint tortious misconduct pursuant to the doctrines of agency and/or *respondeat superior*.

8. Yet-to-be-identified Individuals and/or Business Entities are defendants currently unknown to Plaintiff who or which may also be liable to Plaintiff for the damages she has suffered herein, and, as such individuals and/or business entities are identified through discovery or other revelation, Plaintiff will move for their inclusion herein as named defendants.

GENERAL ALLEGATIONS

9. On or about October 10, 2013, Plaintiff was injured in Santa Fe County when the motor vehicle operated by her was struck by a motor vehicle negligently operated by Defendant Pacheco on behalf of or in the course and scope of her employment with Candalaria and/or USPS. The vehicle operated by Defendant Pacheco was believed to be owned by Defendant Enterprise and believed to be rented by Defendant Candalaria.

10. As a direct and proximate cause of said negligence and resulting collision, the Plaintiff suffered physical injury and other consequential damages.

11. As a direct result of Defendant Pacheco's negligence, which was the proximate cause of the subject collision, Ms. Seminario has incurred, among other things, physical injury, property

damage, medical expenses, pain and suffering, loss of enjoyment of life, permanent physical impairment and economic loss.

12. Defendant Pacheco's negligence was the proximate cause of Ms. Seminario's damages.

13. Because all of the Plaintiff's damages were proximately caused by Defendant Pacheco's negligence and because Defendant Pacheco was at all relevant times herein acting within the course and scope of her employment with and/or as an agent of Defendant Candelaria and/or Defendant USPS, Defendants Pacheco, Candelaria and/or USPS are therefore jointly and/or severally liable to the Plaintiff for all of her actual and consequential damages.

14. Ms. Pacheco was insured by automobile insurance carrier, Defendant GEICO, which is also liable to the Plaintiff for her consequential damages pursuant to the New Mexico Financial Responsibility Act and *Raskob v. Sanchez and Allstate*, 126 N.M. 394, 970 P.2d 580, 1998-NMSC-045.

15. The vehicle negligently operated by Defendant Pacheco was owned by Defendant Enterprise and rented to Defendant Candelaria. Defendant Candelaria was insured by automobile insurance carrier, Progressive. Therefore, Enterprise and/or Progressive are also liable to the Plaintiff for her consequential damages pursuant to the New Mexico Financial Responsibility Act and *Raskob v. Sanchez and Allstate*, 126 N.M. 394, 970 P.2d 580, 1998-NMSC-045.

16. Individual Defendants Pacheco and Candelaria, at all times described herein, were respectively acting within the course and scope of their employment with and/or service contract with and/or as agents of USPS and/or USPS condoned and/or ratified either or both of their herein-

described misconduct, making USPS liable for all of said Defendants' individual and/or joint tortious misconduct.

Reservation of Claims

17. In addition, because GEICO and Progressive have intentionally refused to settle the Plaintiff's claim for a reasonable sum, even though Plaintiff has offered to do so within the limits of the coverage of the respective applicable policies of liability insurance, GEICO and Progressive knowingly forced the Plaintiff to institute this litigation, and their employees and/or agents have therefore conspired in bad faith to avoid payment of the Plaintiff's claim in violation of New Mexico case law (*Hovet v. Lujan*, 2003-NMCA-061, and *Hovet v. Allstate Insurance Company*, 2004-NMSC-010) and in violation of the New Mexico Unfair Insurance Practices Act, NMSA 1978, Section 59A-16-20. Accordingly, Plaintiff hereby gives notice that, upon obtaining a judgment against all or any of the other Defendants, she will then pursue claims for statutory and common law bad faith and for civil conspiracy to commit same and for intentional infliction of emotional distress against GEICO and/or Progressive and/or against any other complicit yet-to-be-identified defendants, seeking consequential and punitive damages and statutory attorney's fees, which claims are not brought herein but are hereby reserved, thus tolling any applicable statutes of limitations until judgment is entered herein against individual Defendants.

WHEREFORE, the Plaintiff prays for judgment against Defendants in an amount to be determined at trial, to include judgment for Plaintiff's actual and consequential damages, costs, expenses and/or for punitive damages and for such other and further relief as the Court shall deem to be proper.

Respectfully submitted,

By: /s/ Merit Bennett
Merit Bennett, Esq.
460 St. Michael's Drive, Suite 703
Santa Fe, New Mexico 87505
(505) 983-9834
Attorney for Plaintiff